IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 21872 of 2007(D)

PETITIONER:

THE SECRETARY,
MANGALAPURAM GRAMA PANCHAYATH,
MANGALAPURAM POST, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.J.JAYAKUMAR

RESPONDENTS:

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1. THE SECRETARY,
OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS,
KUNNUKUZHY, VANCHIYOOR POST, THIRUVANANTHAPURAM.

2. VINOD R.,
VISAKH, M.T.K.A. 24, ATTINGAL, CHIRAYINKEEZH,
THIRUVANANTHAPURAM DISTRICT.

(THE INITIAL OF SECOND RESPONDENT IS CORRECTED AS "R" VIDE ORDER IN I.A. NO.9926/07 DATED 20.7.2007)

R2 BY ADV. SRI.J.HARIKUMAR, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 21872 OF 2007 D

Dated this the 1st August, 2007

JUDGMENT

Petitioner challenges Ext.P4. Ext.P4 is an order passed by the Ombudsman for Local Self Government Institutions. Complaint of the second respondent before the Ombudsman was that though he had applied on for a marriage certificate held on 1.4.2007 with the Certificate issued by the SNDP Branch, Edavilakam, it was refused. A perusal of the order would show that it was refused saying that a Certificate from the owner of the Safa Auditorium, where the marriage has taken place, is necessary. The order further states that the Ombudsman questioned the Secretary and he submitted that he did not conduct any enquiry and he was not able to say on what circumstance, he insisted for a Certificate from the owner of the Auditorium. He was also not in a position to say as to what is the reason to disbelieve the Certificate issued by the SNDP Branch Office. The Ombudsman found that the delay caused

cannot be attributable to the petitioner. It is also stated by the Secretary that since the stipulated period of thirty days is over, the petitioner has to apply and get the permission from the District Registrar. The Ombudsman directed the Secretary to register the marriage immediately on the basis of the application filed and to issue Certificate. Rs.500/= was ordered as damages.

2. Complaint of the petitioner is that petitioner filed Ext.P3 objection and that was not considered. It is the case of the petitioner that the second respondent submitted application on 13.4.2007, but it was received back from the Section Clerk and thereafter, he again came to the petitioner's office and approached the Superintendent. The Superintendent informed him that proper application with the documents shall be submitted to the petitioner's office within fifteen days of the marriage and registration can be done with the sanction of the District Registrar. A Counter Affidavit has been filed by the second respondent, denying the allegations. According to second respondent, the application was duly submitted with

witnesses. He has also submitted his SSLC Book and of his wife to prove age and the Marriage Certificate of the SNDP Shakha Yogam (Ext.R2(a)). It is his case that it is never received back.

3. Heard the learned counsel appearing on behalf of the parties. Counsel for petitioner submits that if the second respondent files an application in Form I, and the second respondent and his wife sign it and also produce the Certificate from the SNDP Shakha Yogam, a copy of which is produced befor2e this Court, the Marriage Certificate will be issued within a week from the date of submission of the application. In the light of this statement, I feel that I need not go into the question raised. Accordingly, the Writ Petition is disposed of directing that if the second respondent submits an application in Form No.I appended to Rule 6 of the Hindu Marriage Rules, 1957 and the second respondent and his wife sign the application, with witnesses, after filling it up, accompanied by the Certificate issued by the SNDP Shakha Yogam and produces the same

before the petitioner, the Marriage Certificate will be issued by the petitioner within a week of receipt of the application. Learned counsel for second respondent submits that the application may be permitted to be sent by registered post as provided under Rule 6 of the Rules. It is made clear that it is open to the second respondent to either give it by hand or by registered post. Ext.P4 order will stand modified as above, in terms of this Judgment.

K. M. JOSEPH, JUDGE

kbk.